



COUNTY OF MONTEREY HEALTH DEPARTMENT

Elsa Jimenez, Director of Health

Administration
Behavioral Health

Clinic Services
Emergency Medical Services
Environmental Health/Animal Services

Public Health
Public Administrator/Public Guardian

June 20, 2017

Elkhorn Rd WS #4
Attn: Bill Fenwick
PO Box 2819
Watsonville, CA 95077

**RE: Compliance Order No. 17-013
Elkhorn Rd WS #4, ID #270-0579**

Dear Mr. Fenwich,

The California Health and Safety Code (H&SC), Section 116655, gives the Monterey County Health Department, Environmental Health Bureau, (EHB) authority to issue Orders directing compliance with the Health and Safety Code, Division 104, Part 12, Chapter 4 (a.k.a., the Safe Drinking Water Act), and with any permit, standard, or regulation issued or adopted pursuant to said Chapter. This Compliance Order directs the referenced water system to comply with State regulations and domestic water permit conditions by supplying specified documents and information.

The H&SC requires that a water system shall reimburse EHB for costs incurred in enforcement activities related to said system. Enforcement activities include preparing, issuing, and monitoring compliance with an order or citation; preparing and issuing public notification; and conducting a permit suspension or revocation hearing. Our costs, based on our current hourly rate, will be charged to the above water system for any further enforcement. If you have any questions regarding this compliance order, please contact this office at 755-4552.

Sincerely,

John Ramirez, M.P.A., R.E.H.S.
Director, Environmental Health Bureau

Enclosure: Compliance Order No.17-013

Cc: Cheryl Sandoval, EHB
Jan Sweigert, SWRCB

MONTEREY COUNTY HEALTH DEPARTMENT

Elkhorn Rd WS #4, ID #270-0579
Attn: Bill Fenwick
PO Box 2819
Watsonville, CA 95077

COMPLIANCE ORDER NO.17-013

FOR
VIOLATION OF HEALTH AND SAFETY CODE SECTION 1166555 (a)(1)
AND THE PRIMARY DRINKING WATER STANDARD FOR TOTAL COLIFORM
BACTERIA
Dated June 20, 2017

The Monterey County Health Department (hereinafter "Department"), acting through its Local Primacy Delegation Agreement hereby issues this compliance order (hereinafter "Order") pursuant to Section 116655 of the California Health and Safety Code (hereinafter "CHSC") and Section 64258 of the California Code of Regulations and Section 15.04.195(B)(2) of the Monterey County Code (hereinafter "MCC") to Elkhorn Rd WS #4 and its owner of record The Elkhorn Water Association for violation of CHSC section 116555(a)(1)&(3), Title 22, California Code of Regulations (hereinafter "CCR"), Section 64421(a)(5), and MCC, Section 15.04.085,

A copy of the applicable statutes and regulations is included in Appendix 1, which is attached hereto and incorporated herein by this reference.

STATEMENT OF FACTS

The Department is informed by the Water System and believes that the Elkhorn Rd WS #4 (hereinafter "Water System") is a privately owned Community water system located in Monterey County that supplies water for domestic purposes up to 60 individuals through 20 residential connections in the Hidden Valley Road and Campagna Way area. The Water System operates under Domestic Water Supply Permit #0414113 issued on April 14, 2011. The Water System is a Community public water system as defined in CHSC, section 116275.

The Water System utilizes one well as its source of domestic water. Title 22, CCR, Division 4, Chapter 15, Article 4, Section 64426.1 and MCC Section 15.04.110 establishes primary drinking water standards and monitoring and reporting requirements for coliform bacteria. As per Title 22, CCR Section 64421(a)(5) and MCC Section 15.04.085, water systems must comply with the maximum contaminant (MCL) level for coliform bacteria, as established in Title 22 CCR Section 64426.1.

Samples collected from the Water System in January, February, April, and May 2017 failed the total coliform MCL since two or more samples were positive for total coliform bacteria. Specifically,

- In January 2017, 2 of the 6 samples collected were total coliform bacteria.
- In February 2017, 2 of the 5 samples collected were total coliform bacteria.
- In April 2017, 4 of the 5 samples collected were total coliform bacteria.
- In May 2017, 2 of the 5 samples collected were total coliform bacteria.

52 **HISTORY**

53 The Water System notified Residents and the Department during the months of
54 January, February, April, and May 2017 when it was determined the Water System
55 failed the Total Coliform MCL. The investigation for January did not identify the
56 specific cause of the contamination. The suspected cause of the February
57 contamination was the major storm that caused power and water outages. The
58 Water System also completed a cross connection control investigation in February
59 2017 and identified a few potential cross connections that need to be further
60 evaluated. The April and May contamination may have been due to a line break
61 and repair at one of the connections. The storage tank is also suspected to be a
62 potential source of contamination since it may not be opaque enough to block
63 sunlight and algae growth and the Water System had indicated it plans to further
64 investigate. The Water System pipes are also aging and a suspected source of
65 contamination. The Water System also had Total Coliform MCL violations in
66 January, June, October, and December 2016 and was issued previous
67 enforcement actions..

68 **DETERMINATIONS**

69 Based on the above Statement of Facts, the Department has determined that the
70 Water System and its owner of record have violated CHSC, Section 116555 and
71 Section 64426.1(b)(2).and MCC Section 15.04.085, in that the water produced by
72 the water system during January, February, April, and May 2017 exceeded the
73 total coliform MCL, and further has determined that the Water System has failed
74 to provide a reliable and adequate supply of pure, wholesome, healthful, and
75 potable water.

76

77 **DIRECTIVES**

78 The Water System and its owner of record are hereby directed to take the following
79 actions:

- 80 1. Take all necessary actions to bring the system into compliance with Title
81 22, CCR, Section 64421 (a)(5) and MCC Section 15.04.085 and remain in
82 compliance.
- 83 2. On or before July 31, 2017, investigate the potential cross connections
84 identified in the Cross Connection Summary Form completed on February
85 8, 2017 and submit an Abatement Plan for any cross connections to the
86 Department.
- 87 3. On or before July 31, 2017, issue a notice to all water system connections
88 that the Water System Contact must be notified of any leaks, repairs, or
89 maintenance completed on the water lines/infrastructure within the service
90 connection within 24 hours of the maintenance or repair or identification of
91 the leak. Upon receiving notice, the Water System shall determine if the
92 Water System has the potential to be contaminated from the incident and
93 shall take any necessary action to ensure the Water System meets coliform
94 standards. Actions may include special samples and disinfection of system.
- 95 4. On or before July 31, 2017, submit a Compliance Action Plan to the
96 Department to identify and abate the source of the frequent coliform
97 contamination. If aging or faulty infrastructure is identified as a source, the
98 plan shall include a timeline for replacement of the infrastructure and a
99 temporary chlorinator until replacement is complete.

5. On or before July 15, 2017, submit a written response to the Department indicating its agreement to comply with the directives of this Order.

6. Notify the Department in writing no later than five (5) days prior to the deadline for performance of any Directive set forth herein if Water System and/or its owner of record anticipates it will not timely meet such performance deadline.

All submittals required by this Order shall be addressed to: All submittals required by this Order shall be addressed to:

Cheryl Sandoval, Supervising EHS
Monterey County Health Department
Environmental Health Bureau-DWPS
1270 Natividad Rd.
Salinas, CA 93906
sandovalcl@co.monterey.ca.us

As used in this Order, the date of issuance shall be the date of this Order; and the date of service shall be the date of service of this Order, personal or by certified mail, on the Water System or its owner of record.

The Department reserves the right to make such modifications to this Order and/or to issue such further order(s) as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Order and shall be deemed effective upon issuance.

Nothing in this Order relieves Water System or its owner of record of its obligation to meet the requirements of the California SDWA and the Monterey County Code, or any regulation, standard, permit or order issued thereunder.

129

130 **PARTIES BOUND**

131 This Order shall apply to and be binding upon Water System, its owners,
132 shareholders, officers, directors, agents, employees, contractors, successors, and
133 assignees.

134

135 **SEVERABILITY**

136 The Directives of this Order are severable, and Water System and its owner of
137 record shall comply with each and every provision hereof, notwithstanding the
138 effectiveness of any other provision.

139

140 **FURTHER ENFORCEMENT ACTION**

141 The California SDWA, the California Code of Regulations, and the Monterey
142 County Code authorizes the Department to: issue a citation with assessment of
143 administrative penalties to a public water system for violation or continued violation
144 of the requirements of the California SDWA and Monterey County Code or any
145 regulation, permit, standard, citation, or order issued or adopted thereunder
146 including, but not limited to, failure to correct a violation identified in a citation or
147 compliance order. The California SDWA and Monterey County Code also
148 authorizes the Department to take action to suspend or revoke a permit that has
149 been issued to a public water system if the public water system has violated
150 applicable law or regulations or has failed to comply with an order of the
151 Department; and to petition the superior court to take various enforcement
152 measures against a public water system that has failed to comply with an order of

153 the Department. The Department does not waive any further enforcement action
154 by issuance of this Order.

155

156

157

158

159

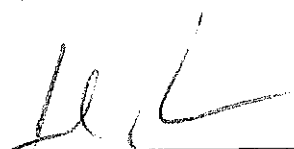
160

161

162

163

164



John Ramirez, MPA, REHS
Director Environmental Health Bureau
1270 Natividad Rd. Salinas CA 93906

6-22-17

Date

Certified Mail No. 7016 3010 0001 0673 6191

Cc: Cheryl Sandoval, EHB
Jan Sweigert, SWRCB

APPENDIX 1

APPLICABLE AUTHORITIES

CHSC, Section 116555(a)(1) states in relevant part:

(a) Any person who owns a public water system shall ensure that the system does all of the following:

- (1) Complies with primary and secondary drinking water standards.

CHSC, Section 116655 states in relevant part:

(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

- (1) Directing compliance forthwith.
- (2) Directing compliance in accordance with a time schedule set by the department.
- (3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

- (1) That the existing plant, works, or system be repaired, altered, or added to.
- (2) That purification or treatment works be installed.
- (3) That the source of the water supply be changed.
- (4) That no additional service connection be made to the system.
- (5) That the water supply, the plant, or the system be monitored.
- (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department.

Title 22, CCR, states in relevant parts:

Section 64421,

...

(a) Each water supplier shall:

...
(5) Comply with the Maximum Contaminant Level as required in section 64426.1.

Section 64426.1,

...
(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

- (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
- (2) For a public water system which collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
- (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
- (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

Section 64258. Enforcement.

(a) A local primacy agency shall take enforcement actions as necessary to assure that all small water systems under the jurisdiction of the local primacy agency are in compliance with Division 104, Part 1, Chapters 4 and 5; Division 104, Part 12, Chapters 4 and 5 of the Health and Safety Code, and California Code of Regulations, Title 17, Division 1, Chapter 5, Group 4 and Title 22, Division 4, Chapters 14, 15, 15.5, 16, 17, and 17.5.

Monterey County Code, Section 15.04 (hereinafter "Section 15.04") provides in relevant parts:

15.04.110 - Drinking water standards—Maximum contaminant levels.

a. The water supplier shall comply with any corrective actions ordered by the Director for any primary or secondary chemical contaminant which exceeds the maximum contaminant levels established in Chapter 15 of Title 22 of the

California Code of Regulations, as may be amended from time to time, incorporated herein by this reference.

b. Water exceeding the maximum contaminant levels established in Chapter 15 of Title 22 of the California Code of Regulations, as may be amended from time to time, and incorporated herein by this reference, shall not be supplied to users of the water system for human consumption or domestic purposes.

15.04.085 - Operational requirements.

Any person who operates a domestic water system shall do the following:

a. Comply with primary and secondary drinking water standards contained in Chapter 15, of Title 22, California Code of Regulations, as may be amended from time to time, and incorporated herein by this reference.

15.04.105 - Chemical quality—Monitoring and reporting.

...

c. If the level of any primary or secondary chemical exceeds the maximum contaminant level, the water supplier shall notify the Department within forty-eight (48) hours from the receipt of the analysis and collect one additional sample within fourteen (14) days to confirm the result. If the average of the two samples collected exceeds the maximum contaminant level, the water supplier shall report this information to all users and the Department within forty-eight (48) hours and shall monitor quarterly beginning in the next quarter after the violation has occurred.

15.04.195 - Enforcement.

...

B. Remedies.

...

2. Orders. (Authority: California Health and Safety Code Section 116655)
 - a. Whenever the Department determines that any person has violated or is violating this Chapter, or any permit, regulation, or standard issued or adopted pursuant to this Chapter, the Director may issue an order doing any of the following:

...

2. Directing compliance in accordance with a time schedule set by the Department.

...

b. An order issued pursuant to this Section may include, but shall not be limited to, any or all of the following requirements:

1. That the existing plant, works, or system be repaired, altered, or added to.
2. That purification or treatment works be installed.
3. That the source of the water supply be changed.
4. That no additional service connection be made to the system.
5. That the water supply, the plant, or the system be monitored.
6. That a report on the condition and operation of the plant, works,